

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

June 16, 2009

\_\_\_\_\_  
No. 08-20753  
Conference Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ENRIQUE ROBERTO PEREZ GONZALEZ also known as, Enrique Roberto Perez-Gonzalez also known as, Enrique Perez-Gonzalez also known as, Roberto Enrique Perez Gonzalez also known as, Enrique Roberto Perez also known as, Enrique Perez Gonzalez

Defendant-Appellant

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:08-CR-223-ALL  
\_\_\_\_\_

Before SMITH, BENAVIDES, and HAYNES, Circuit Judges.

PER CURIAM:\*

Appealing the Judgment in a Criminal Case, Enrique Roberto Perez Gonzalez presents arguments that he concedes are foreclosed by *United States v. Cepeda-Rios*, 530 F.3d 333, 335-36 (5th Cir. 2008), which held that even after *Lopez v. Gonzales*, 549 U.S. 47 (2006), a second state conviction for simple possession of a controlled substance qualifies as an aggravated felony that

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

supports the imposition of an eight-level enhancement under U.S.S.G. § 2L1.2(b)(1)(C). The appellant's unopposed motion for summary disposition is GRANTED, and the judgment of the district court is AFFIRMED.